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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of Neville *et al.*

Serial No. 09/389,565

Filed: September 3, 1999

For: "AN IMMUNOTOXIN WITH IN VIVO  
T CELL SUPPRESSANT ACTIVITY  
AND METHODS OF USE"

Examiner: G. R. Ewoldt, Ph.D

Art Unit: 1644

**AMENDMENT**

BOX RCE  
Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

FEB 21 2003

**TECH CENTER 1600/2900**

NEEDLE & ROSENBERG, P.C.  
Suite 1200, The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1811  
February 14, 2003

Sir:

This Amendment under 37 C.F.R. § 1.114 is responsive to the Advisory Action dated June 13, 2002. Enclosed with this Amendment is the Declaration of David M. Neville, Jr. under 37 C.F.R. § 1.132. Also filed concurrently is a Request for Continued Examination, a Request for an extension of time, and a Credit Card Payment Form (PTO-2038) in the amount of \$2720.00, (\$750.00 for the Request for Continued Examination and \$1970.00 for the 5-month extension of time). Applicants request consideration of this amendment and the accompanying remarks prior to an Office Action on the merits.

**IN THE CLAIMS**

Please amend the claims as follows:

- E1
30. (Twice amended) A fusion immunotoxin comprising a single-chain variable region of an anti-CD3 antibody linked to a toxin moiety, wherein the anti-CD3